

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

DANIEL LOVELACE and
HELEN LOVELACE, Individually, and as Parents of
BRETT LOVELACE, deceased,

Plaintiffs,

vs.

No. 2:13-cv-02289-JPM-dkv
JURY TRIAL DEMANDED

PEDIATRIC ANESTHESIOLOGISTS, P.A.;
BABU RAO PAIDIPALLI; and
MARK P. CLEMONS,

Defendants.

**FEDERAL RULE OF CIVIL PROCEDURE 26(f) JOINT REPORT
OF THE PARTIES' PLANNING MEETING**

The parties, pursuant to Federal Rule of Civil Procedure 26(f), respectfully submit the following report of their discovery planning meeting.

1. Pursuant to Federal Rule 26(f), counsel listed below have conferred regarding the issues required to be considered there under, and on June 24, 2013, agreed to the following deadlines and discovery plan:

- a. Paul Mark Ledbetter, attorney for Plaintiffs;
- b. David M. Cook and Albert G. McLean, attorneys for Defendants, Pediatric Anesthesiologists, P.A. and Babu Rao Paidipalli, M.D.; and
- c. J. Kimbrough Johnson and Marcy Dodds Magee, attorneys for Defendant, Mark P. Clemons, M.D.

2. Initial Disclosures. The parties will complete by July 8, 2013, the initial disclosures required by Rule 26(a)(1).

3. Discovery Plan. The parties propose this discovery plan:

- a. Discovery will be needed on these subjects: The matters set forth in plaintiffs' Complaint, plaintiffs' alleged injuries and damages, and defendants' affirmative defenses.
- b. Disclosure or discovery of electronically stored information should be handled as follows: The parties intend to produce discovery in paper form and intend to request that discovery be produced in paper or searchable portable documents format (PDF) form. Transmission of copies of any documents production may be by e-mail, CD/DVD disc or similar means.
- c. Dates for completing discovery and submission of Rule 26(a)(2) and Rule 26(a)(3) disclosures shall be provided in a proposed Rule 16(b) scheduling order to be submitted to the Court and the parties have proposed such deadlines as stated below. For other matters regarding commencing, completing and supplementing discovery, as well as limitations on discovery, the applicable provisions in Federal Rules of Civil Procedure shall apply as stated.

4. Proposed Discovery Deadlines. The parties jointly propose the following discovery deadlines:

- a. **Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1):** July 8, 2013
- b. **Motions To Join:** September 9, 2013
- c. **Rule 12 Motions to Dismiss:** October 9, 2013
- d. **Motions To Amend:** October 9, 2013
- e. **Requests For Production:** January 9, 2014
- f. **Interrogatories:** January 9, 2014
- g. **Depositions of Fact Witnesses:** February 9, 2014
- h. **Completing All Fact Discovery:** February 9, 2014
- i. **Requests for Admissions:** February 9, 2014
- j. **Expert Witness Disclosures and Depositions (Rule 26):**

- (i) **Disclosure of Plaintiff's Rule 26 Expert Information:**
February 9, 2014
 - (ii) **Disclosure of Defendants' Rule 26 Expert Information:**
March 9, 2014
 - (iii) **Depositions of Plaintiffs' Rule 26 Experts:**
April 9, 2014
 - (iv) **Depositions of Defendants' Rule 26 Experts:**
May 9, 2014.
- k. **Supplementation under Rule 26(e)(2):** May 9, 2014
 - l. **Motions To Exclude Experts Under *Daubert* Motions:** June 9, 2014
 - m. **Filing Dispositive Motions:** June 9, 2014
 - n. **Evidentiary Depositions:** 30 days before trial

All parties shall timely supplement discovery responses as provided by Rule 26(e). All requests for admissions, interrogatories, and requests for production of documents or other discovery filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel/party to respond by the time permitted by the Rules prior to that date.

Based on the foregoing deadlines, the parties request a trial setting no earlier than August 1, 2014.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on June 24, 2013, a true and correct copy of the foregoing document was, upon information and belief, forwarded by electronic means through the Court's ECF System, and/or by U. S. Mail, postage prepaid to:

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/s/ David M. Cook

David M. Cook